

from a nation that lost 3,000 fellow Americans—to hear that we are going to continue to pump money into this war, a blank check, unpaid for, but that we will not take care of our security here at home, that had to be wrong.

His reported budget would slash funding for police, firefighters, and rescue workers. It could mean fewer security guards at ports, less reliable detection of explosives, and less training for security personnel. Basically, it would undermine the entire effort to prevent terrorism that our Nation realized that September day, one of the most urgent challenges we have ever faced. Cutting counterterrorism funding is simply outrageous.

Now I certainly hope the Congress is not going to stand for it, and the people who live in those cities definitely will not stand for it. But is it necessary to remind the President how important it is to protect our homes and families from terrorist attacks? Do we have to say that we must do everything within the bounds of possibility and the law to prevent a terrorist attack from happening again? And this suggestion that we are ultimately spending our efforts and lives and national treasure there so we don't have to spend it here is a falsehood. That is a falsehood.

Is anyone here in America going to feel safer at the end of the day when counterterrorism funding is cut for their hometown security, which as we found out on that fateful day on September 11 is how we responded—with local police, local firefighters, local emergency management? It was not the Federal Government but the local public safety entities. Is that a risk President Bush wants to take, to cut what amounts to .06 percent of the Federal budget, especially when the war in Iraq has eaten up \$455 billion and counting; when the amount he wants to take away from police and firefighters, the people who respond, should, God forbid we have an attack, is an amount we spend in Iraq every 5 days? The money we are talking about for protecting us here at home in America is what we spend every 5 days in Iraq. What are our values? What are our priorities, Mr. President?

The President has requested \$1 billion for the Iraqi police, but he wants to cut funding for the community-oriented policing program that fights crime in America's communities. So he will spend anything on the streets of Baghdad, but he suddenly thinks we should be stingy when it comes to security on the streets of our hometowns. The President wants a blank check for Iraq, but nothing for America.

That ties into what you have been seeing on the floor over the last several days. The reason we can't get appropriations bills out is because Republicans object to the type of domestic priorities the American people elected a new majority to achieve. He wants a blank check for Iraq, but nothing for America. From children's health to

cancer research to crucial water resources, the President has vetoed what is most essential: our health, our safety, and in essence, our liberty. He has repeatedly said it is all too expensive. Meanwhile, he is requesting \$200 billion more to fight a war in Iraq that has achieved nothing for any of us; that has ultimately seen the deaths of thousands of Americans and has left us more disliked around the world as a nation than at any other point in recent history. He wants a blank check for Iraq, but nothing for America. If he submits a budget that cuts funding for counterterrorism, I think he will truly be laying a final brick in the Department of Homeland Hypocrisy.

In high school many of us read George Orwell's book "1984," which was about a nightmare world where words mean the exact opposite of what they should mean. America is starting to understand what the word "security" means to the President. He apparently thinks funding firefighters, police officers, and emergency responders is excessive, but he wants to spy on Americans without warrants, he wants to tap people's phones without any oversight, he condones procedures even the U.S. Army itself considers torture, he wants to throw people in jail without trials, and he basically ignores the most basic tenets of the justice system of the United States since the Constitution came into effect in 1789.

President Bush wants to cut funding to stop terrorism in order to fund a war that has created terrorists. We didn't have al-Qaida in Iraq before we invaded Iraq. We have al-Qaida in Iraq after we invaded Iraq.

America isn't just ready to turn the page on this administration; we are ready for a whole new book. I hope, as we move forward, we can get some of these domestic priorities that the Nation wants to see. I cannot believe we would spend \$200 billion for Iraq but not a fraction of that to be able to ensure that millions of American children can have health care. I cannot believe we would spend \$200 billion more for Iraq but not enough to handle police, firefighters, and emergency management in our communities across the landscape of this country. I cannot imagine approving \$200 billion for Iraq but not being able to deal with the alternative minimum tax relief, a measure Senator REID has tried to bring to the floor.

On issue after issue, the obstructionism, the roadblocks, the coordination between the White House and our colleagues here in the Senate to impede the progress the American people want to see is incredible, as it is equally incredible to continue this course by asking for a blank check for Iraq, but nothing for America.

#### PERU FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I am a longtime supporter of policies designed to open foreign markets to our Na-

tion's exports through trade agreements. I have fought to break down barriers that many other countries have erected to block our exports and to create unfair advantages. The fact is that mutually beneficial trade agreements serve to improve farm income and create jobs here at home, and American consumers receive benefits as well, including lower prices and a greater variety of goods.

I supported the fast track procedure in the 1988 Trade Act. I voted for the North American Free Trade Agreement and the Uruguay Round GATT Agreement. However, trade agreements are not only about commercial transactions. Trade agreements also have major environmental impacts, and they have major implications for the legal rights and working conditions of laborers. All of these factors must be carefully considered in determining whether to support a given trade agreement.

Certainly, there are modest positives in this Peru Free Trade Agreement. The American Farm Bureau Federation has estimated that the agreement would generate a net increase in U.S. agricultural exports of more than \$700 million annually once the agreement is fully implemented in 2025. I note, however, that, in today's dollars, that would represent only roughly one-half of 1 percent of current U.S. agricultural exports.

In addition, this agreement would level the playing field for the United States vis-à-vis other major agricultural exporters in South America. Both Brazil and Argentina enjoy preferential access into Peru's markets because of Peru's associate membership in Mercosur, and this FTA would make it easier for our products to compete with exports from Brazil and Argentina. However, I have always considered these country-by-country trade deals to be far less than ideal. It would be far better to negotiate a successful global trade agreement under the auspices of the World Trade Organization.

Despite these modest benefits, I believe that, on balance, the Peru Free Trade Agreement falls short. I am particularly concerned about the agreement's deficiencies with regard to fighting child labor.

As many of our colleagues know, I have been working to reduce abusive and exploitative child labor around the world for a decade and a half. I first introduced a bill on this issue in 1992. Over the years, I have worked hard to improve the labor provisions in various trade measures, concentrating particularly on abusive and exploitative child labor. I believe strongly that trade agreements should support and reinforce existing international child-labor standards, not undercut them. On this criterion, the Peru FTA falls short.

According to the best estimates by the International Labor Organization, ILO, there are at least 218 million child laborers between the ages of 5 and 17 in today's global economy. Of these 218

million child laborers, more than 100 million have never seen the inside of a classroom. An estimated 126 million children are working under the most hazardous circumstances in mines, in fishing operations and on plantations. These children are being robbed of their childhoods. Many are being denied an education. They are deprived of any hope for a brighter future. In the years ahead, they will grow up illiterate and exploited, and this will create a wellspring of future social conflict and strife, and even terrorism.

We have made progress in recent years by increasing funds for programs to rehabilitate child laborers through our contribution to the ILO's International Program for the Elimination of Child Labor. In 2000, I successfully amended the Trade and Development Act with a provision directing that no trade benefits under the Generalized System of Preferences, GSP, will be granted to any country that does not live up to its commitments to eliminate the worst forms of child labor. I required that the President submit a yearly report to Congress on the steps being taken by each GSP beneficiary country to carry out its commitments to end abusive and exploitative child labor.

I want to explain clearly to my colleagues what I mean when I refer to abusive and exploitative child labor. I am not talking about children who work part time after school or on weekends. There is nothing necessarily wrong with that. What I am referring to is the definition set out by ILO Convention 182 on the Worst Forms of Child Labor. This is not just a Western or a developed-world standard; it is a global standard that has been ratified by 163 countries. It was ratified by Peru in 1999. The United States was the third country in the world to ratify this convention.

It is true that we have made some modest progress in including labor protections in this Peru Free Trade Agreement. But we all know that labor protections in trade agreements mean nothing in the absence of political will to enforce them. I am also concerned that, on the very same day that the deal to include new labor provisions in the Peru FTA was announced, the president of the U.S. Chamber of Commerce said, "We are encouraged by assurances that the labor provisions cannot be read to require compliance with ILO Conventions." Clearly, this statement sends a powerful message that the labor provisions in the Peru FTA should be ignored.

Under the Peru deal, the only party that can seek enforcement of labor violations in Peru is the U.S. administration. There is no mechanism for an outside party, such as a nongovernmental organization, to bring a complaint, as exists under the GSP. This would actually take us, and the world, a step backward when it comes to protecting children. That is right. This free-trade agreement with Peru, which

replaces GSP provisions in governing trade between our two countries, will take us backward with respect to combating abusive and exploitative child labor.

Under the current U.S. GSP provisions, the President now must report to Congress annually regarding Peru's child labor practices. Under GSP, if Peru is not meeting the obligations that it undertook as a signatory to the ILO Convention 182, if it is not acting to eliminate the worst forms of child labor, then trade sanctions are imposed immediately to require enforcement in Peru of internationally recognized standards. This protects children. It also ensures that our workers will not be subjected to unfair competition from abusive and exploitative labor abroad. Unfortunately, under the Peru Free Trade Agreement, trade sanctions are not automatic.

I remind our colleagues that we voted 96 to 0 to include those protections, which I offered to GSP. It was a Harkin-Helms amendment, and it received unanimous, bipartisan support. None of us wanted to have those child labor protections undercut by our trade negotiators in an agreement with Peru or any other country but that is exactly what has happened. Now, because of fast-track rules which don't allow us to amend this legislation, we won't even be able to vote to restore the GSP protections in this agreement. If we vote for this trade agreement, we are voting to remove the protections that all of us who were here in 2000 voted to put in place.

On the matter of child labor, this Peru Free Trade Agreement takes us in the wrong direction. Abusive and exploitative child labor is wrong as a matter of principle. And it is also wrong as a practical matter. Our workers and our small businesses should not have to compete with abused and exploited child laborers abroad.

I am sorry to say that this is not an academic or rhetorical issue in the case of labor practices in Peru. Peru is far from the worst Government, even in our hemisphere, when it comes to meeting its international obligations to protect children from abusive and exploitative labor. I don't mean to single out Peru. But there is broad agreement among international observers—including our own Department of Labor, the Department of State, UNICEF and the International Labor Organization—that the problem of abusive child labor persists in that country. As many as 1.9 million Peruvian children between the ages of 6 and 17 are working rather than attending schools as they should. There are an estimated 150,000 child laborers in the capital city of Lima alone. The Government of Peru may be seeking to reduce the problem, as it should, but we should not be weakening our sole existing trade mechanism that allows us to monitor its progress. That is not the way forward for free and fair trade. And it is certainly not the way to lift

up the Peruvian economy. Abusive child labor perpetuates the cycle of poverty across generations. No country has achieved broad-based economic prosperity on the backs of working and exploited children.

Mr. President, I appreciate that improvements were made to this agreement thanks to my Democratic colleagues in the House. But this remains a flawed agreement, one that we are not allowed to correct through amendments. I was eager to support an agreement promoting freer trade with Peru, but I cannot support a flawed agreement that takes a step backward from current law.

#### PASSAGE OF S. 1327

Mrs. FEINSTEIN. Mr. President, I rise today to welcome the passage of S. 1327, which will reestablish temporary judgeships where needed in the district courts and extend other temporary judgeships that are about to expire.

The bill will reestablish a 10-year temporary judgeship in the Eastern District of California, where it is sorely needed. It will also reestablish a temporary judgeship in Nebraska and extend the terms of existing temporary judgeships in Hawaii, Kansas, and Ohio.

The Eastern District of California had a temporary judgeship from 1992 to 2004. At the end of that period, the caseload in the district was the second-highest in the Nation: 787 filings per judge. That was almost 50 percent more than the national average.

Still, the temporary judgeship expired in the fall of 2004 as required by law. Since then the situation in the Eastern District has grown even more dire. Average caseloads across the Nation have declined, but in the Eastern District they have increased by 18 percent.

The most recent statistics show that the Eastern District of California has the highest caseload in the country: 927 filings per judge. That is twice as many cases as the national average.

It is no exaggeration to say that the judges of the Eastern District are in desperate need of relief. They have continued to serve with distinction in the face of the crushing caseloads. Two of the court's senior judges still carry full caseloads after taking senior status. Two other senior judges are also continuing to hear cases.

In recent months, the caseload has become even more crushing with the departure of chief judge David Levi. He stepped down from the bench after 17 years of service to become the dean of the Duke University School of Law.

It is clear that the Eastern District of California needs our help to ensure that cases continue to be handled with the care, attention, and promptness that are essential to the fair administration of justice. Reestablishing the expired temporary judgeship is one way to help.

This bill is also a crucial first step toward getting California all of the